

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

LISA KAY BRUMFIEL,
Plaintiff,

v.

MICROTEL INN AND SUITES BY
WYNDHAM; MICROTEL INN AND
SUITES FRANCHISING INC,
Defendants.

Case No. 2:20-cv-02253-APG-EJY

ORDER

Pending before the Court are Plaintiff Lisa Brumfiel's Motions to Extend Time to Serve New Defendant and Amend Complaint. ECF Nos. 4 and 6. In her Motion, Plaintiff requests 30 additional days to file a Motion to Amend her Complaint to add and serve a new defendant that was apparently discovered through correspondence with counsel for the currently named defendants.

Federal Rule of Civil Procedure 15(a)(1) grants a party the right to amend a pleading without court intervention within 21 days of service; or, if the pleading is one to which a response is required, within 21 days after service of a responsive pleading. If Rule 15(a)(1) does not apply, Federal Rule of Civil Procedure 15(a)(2) requires leave of court or consent from the opposing party to file an amended complaint. While Plaintiff corresponded with the currently named defendants, it does not appear that those defendants agreed to allow Plaintiff to amend her Complaint. However, there is no evidence that these named defendants oppose such amendment as they have identified the proper party to this action.

Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motions to Extend Time to Serve New Defendant and Amend Complaint (ECF Nos. 4 and 6) are GRANTED.

IT IS FURTHER ORDERED that Plaintiff shall have through and including April 8, 2021 to file an Amended Complaint.

1 IT IS FURTHER ORDERED that Plaintiff shall have through and including May 10, 2021
2 to serve any newly named defendant.

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4 Dated this 24th day of March, 2021.

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7 ELAYNA J. YOUCHAK
8 UNITED STATES MAGISTRATE JUDGE
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